THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15735 OF 1996

ORAL ORDER:

This writ petition is filed seeking a declaration that the notice dated 19.7.1996 issued by the 1st respondent-Revenue Divisional Officer, Kovvur, West Godavari District, under Sections 9(3) and 10 of the Land Acquisition Act, 1894 (for short "the Act") is arbitrary and illegal.

It is alleged by the petitioners that no proceedings were initiated proposing to acquire the lands in their occupation and no notice was served on them at any point of time, except the impugned notice for award enquiry.

The impugned notice was issued in the names of petitioners 2, 3, 4 and one Vedula Narayana Sastry in respect of different extents of land situated in Sy.Nos.107/2A, 107/2C, 107/3A and 110/1 of Venkatarayapuram, hamlet of Kakaraparru village. It is claimed that the husband of the 1st petitioner had purchased the property from Vedula Narasimha Sastry and, he, in turn, sold the same to the 5th respondent under a registered sale deed on 30.1.1996. Thus, all the petitioners claimed right and interest in respect of the land in question.

In response to *Rule nisi*, the Revenue Divisional Officer, Kovvur, who is the Land Acquisition Officer, filed a counter affidavit denying the allegations made by the petitioners and stating that the notification under Section 4(1) of the Act was published in the District Gazette dated 3.3.1996, followed by the declaration under Section 6 in the Gazette dated 14.3.1996. It is stated that the contents of the notification and the declaration were also published in the villages on 21.3.1996 and 22.3.1996, respectively. Thereafter, the District Collector by proceedings dated 1.5.1996 approved the preliminary value statement and pursuant thereto, the impugned notice was issued on 19.7.1996. It is also stated that the land in R.S.No.107/2A stands in

the name of the pattedar- Vedulla Narayana Sastry and the right and interest, if any, of the 1st petitioner is required to be established in the Award enquiry.

In the light of the counter affidavit, the contents of which remained unrebutted, it is clear that the allegation of the petitioners that the award proceedings were initiated under the impugned notice without issuing any notification under Section 4(1) of the Act as well as the declaration under Section 6 of the Act is unfounded and without any basis. No other point is urged by the petitioners.

In the circumstances, the writ petition, which is devoid of any merit, is hereby dismissed. No costs.

_____

(G. ROHINI).

18th January, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15735 OF 1996

18th January, 2007.

Between:

Pendem Mangalakshmi and others. .. Petitioners.

And

The Land Acquisition Officer &
Revenue Divisional Officer, Kovvur,
West Godavari District and another. .. Respondents.